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ABSTRACT

The Office for Civil Rights (OCR) enforces five Federal statutes that prohibit discrimination in any program or activity that receives Federal financial assistance from the Department of Education (ED). The process for filing a complaint is outlined in this brochure. It includes information on the timeliness of the complaint, institutional grievance procedures, and where to write to initiate a complaint. Details on what to include in a discrimination complaint are provided for those wishing to file a formal complaint with OCR, and it is emphasized that a recipient of a complaint may not retaliate against a person initiating the complaint. Anyone who believes that any educational institution supported by the (ED) has discriminated against someone on the basis of race, color, national origin, sex, disability, or age may file a complaint. The civil rights law enforced by OCR extends to all state education agencies, elementary and secondary school systems, colleges and universities, vocational schools, proprietary schools, state vocational rehabilitation agencies, libraries, and museums receiving assistance from the ED. (RJM)

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HOW TO FILE A DISCRIMINATION COMPLAINT

WITH THE OFFICE FOR CIVIL RIGHTS

ED 422 646

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

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Office for Civil Rights
U.S. Department of Education
600 Independence Avenue, S.W.
Washington, D.C. 20202-1100
(202) 205-5413; 1-800-421-3481
Fax: 202-205-9862 TTY: 202-205-5166

EA 029 331

WHO CAN FILE

Anyone who believes that an educational institution that receives Federal financial assistance has discriminated against someone on the basis of race, color, national origin, sex, disability, or age may file a complaint. The person or organization filing the complaint need not be a victim of the alleged discrimination, but may complain on behalf of another person or group.

TIMELINESS

A complaint must be filed within 180 calendar days of the date of the alleged discrimination, unless the time for filing is extended by OCR for good cause.

INSTITUTIONAL GRIEVANCE PROCEDURES

Prior to filing a complaint with OCR against an institution, a potential complainant may want to find out about the institution's grievance process and use that process to have the complaint resolved. A complainant is not required by law to use the institutional grievance procedure before filing a complaint with OCR. If a complainant uses an institutional grievance process and also chooses to file the complaint with OCR, the complaint must be filed with OCR within 60 days after the last act of the institutional grievance process.

WHERE TO WRITE

EASTERN DIVISION

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont
Office for Civil Rights, Boston Office
U.S. Department of Education
J. W. McCormack Post Office and Courthouse
Room 222, 01-0061
Boston, MA 02109-4557 (617) 223-9662
FAX# (617) 223-9669; TDD (617) 223-9695

New Jersey, New York, Puerto Rico, Virgin Islands
Office for Civil Rights, New York Office
U.S. Department of Education
75 Park Place, 14th Floor
New York, NY 10007-2146 (212) 637-6466
FAX# (212) 264-3803; TDD (212) 637-0478

Delaware, Maryland, Kentucky, Pennsylvania, West Virginia
Office for Civil Rights, Philadelphia Office
U.S. Department of Education
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107 (215) 656-8541
FAX# (215) 656-8605; TDD (215) 656-8604

SOUTHERN DIVISION

Alabama, Florida, Georgia, South Carolina, Tennessee
Office for Civil Rights, Atlanta Office
U.S. Department of Education
61 Forsyth Street, S.W., Suite 19T70
Atlanta, GA 30303 (404) 562-6350
FAX# (404) 562-6455; TDD (404) 562-6454

Arkansas, Louisiana, Mississippi, Oklahoma, Texas
Office for Civil Rights, Dallas Office
U.S. Department of Education
1999 Bryan Street
Suite 2600
Dallas, TX 75201 (214) 880-2459
FAX# (214) 880-3082, TDD (214) 880-2456

North Carolina, Virginia, Washington, D.C.
Office for Civil Rights, DC Office
U.S. Department of Education
1100 Pennsylvania Avenue, N.W., Room 316
P.O. Box 14620
Washington, D.C. 20044-4620 (202) 208-2545
FAX# (202) 208-7797; TDD (202) 208-7741

MIDWESTERN DIVISION

Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin
Office for Civil Rights, Chicago Office
U.S. Department of Education
111 North Canal Street, Suite 1053
Chicago, IL 60606-7204 (312) 886-8434
FAX# (312) 353-4888; TDD (312) 353-2540

Michigan, Ohio
Office for Civil Rights, Cleveland Office
U.S. Department of Education
600 Superior Avenue East
Bank One Center, Room 750
Cleveland, OH 44114-2611 (216) 522-4970
FAX# (216) 522-2573; TDD (216) 522-4944

Iowa, Kansas, Missouri, Nebraska, North Dakota, South Dakota
Office for Civil Rights, Kansas City Office
U.S. Department of Education
10220 North Executive Hills Boulevard
8th Floor, 07-6010
Kansas City, MO 64153-1367 (816) 880-4200
FAX# (816) 891-0644; TDD (816) 891-0582

WESTERN DIVISION

Arizona, Colorado, Montana, New Mexico, Utah, Wyoming
Office for Civil Rights, Denver Office
U.S. Department of Education
1244 Speer Boulevard
Federal Building, Suite 310, 08-7010
Denver, CO 80204-3582 (303) 844-5695
FAX# (303) 844-4303; TDD (303) 844-3417

California
Office for Civil Rights, San Francisco Office
U.S. Department of Education
Old Federal Building
50 United Nations Plaza, Room 239
San Francisco, CA 94102-4102 (415) 437-7700
FAX# (415) 437-7783; TDD (415) 437-7786

Alaska, Hawaii, Idaho, Nevada, Oregon, Washington, American Samoa, Guam, and the Northern Mariana Islands
Office for Civil Rights, Seattle Office
U.S. Department of Education
915 Second Avenue, Room 3310, 10-9010
Seattle, WA 98174-1099 (206) 220-7900
FAX# (206) 220-7887; TDD (206) 220-7907

The Office for Civil Rights (OCR) enforces five Federal statutes that prohibit discrimination in programs and activities that receive Federal financial assistance from the Department of Education (ED). Discrimination on the basis of race, color, and national origin is prohibited by Title VI of the Civil Rights Act of 1964; sex discrimination is prohibited by Title IX of the Education Amendments of 1972; discrimination on the basis of disability is prohibited by Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 (Title II prohibits discrimination on the basis of disability by public entities, whether or not they receive Federal financial assistance); and age discrimination is prohibited by the Age Discrimination Act of 1975.

The civil rights laws enforced by OCR extend to all state education agencies, elementary and secondary school systems, colleges and universities, vocational schools, proprietary schools, state vocational rehabilitation agencies, libraries, and museums that receive Federal financial assistance from ED. Programs and activities that receive ED funds must be operated in a nondiscriminatory manner. Such programs or activities may include, but are not limited to: admissions, recruitment, financial aid, academic programs, student treatment and services, counseling and guidance, discipline, classroom assignment, grading, vocational education, recreation, physical education, athletics, housing, and employment.

WHAT TO DO

Anyone wishing to file a formal complaint with OCR should submit in writing the following information in a letter or on the Discrimination Complaint Form available from OCR enforcement offices (see listing).

- Your name and address (a telephone number where you may be reached during business hours is helpful, but not required);
- A general description of the person(s) or class of persons injured by the alleged discriminatory act(s) (names of the injured person(s) are not required);
- The name and location of the institution that committed the alleged discriminatory act(s); and
- A description of the alleged discriminatory act(s) in sufficient detail to enable OCR to understand what occurred, when it occurred, and the basis for the alleged discrimination (race, color, national origin, sex, disability, or age).

A recipient may not retaliate against any person who has made a complaint, testified, assisted or participated in any manner in an investigation or proceeding under the five statutes listed above.